

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOHN POLTONOWICZ

CRIMINAL ACTION
NO. 07-52

RELATED TO
11-CV-1626

ORDER

AND NOW, this 5th day of February 2013, upon consideration of Defendant John Poltonowicz's pro se Motion under 28 U.S.C. § 2255 (Doc. Nos. 158 and 161), the Government's Response in Opposition (Doc. No. 171), the Report and Recommendation of Chief Magistrate Judge Carol Sandra Moore Wells (Doc. No. 203), and Defendant's Objections to the Report and Recommendation (Doc. No. 207), it is **ORDERED** that:

1. The Report and Recommendation of Judge Wells (Doc. No. 203) is **APPROVED** and **ADOPTED** consistent with the Court's accompanying Opinion.
2. The Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. Nos. 158 and 161) is **DENIED WITHOUT A HEARING**.
3. A Certificate of Appealability shall not be issued because, for the reasons stated in Judge Wells' Report and Recommendation, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is incorrect in denying the Motion.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.